

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS
HEALTH BENEFITS FUND, et al.,

Plaintiffs,

v.

FIRST DATABANK, INC., and
McKESSON CORPORATION,

Defendants.

Civil Action No. 05-11148-PBS

**HEALTH MANAGEMENT ASSOCIATES' MOTION FOR RELIEF
FROM ORDER [FRCP 60(b)] OR IN THE ALTERNATIVE,
MOTION TO INTERVENE [FRCP 24]**

Third party payor class member Health Management Associates, Inc. ("HMA"), hereby moves pursuant to Fed. R. Civ. P. 60(b) that it be relieved from this Court's August 3, 2009 Order Approving Class Settlement or, in the alternative, that the Court grant HMA permission to intervene in this action pursuant to Fed. R. Civ. P. 24.

WHEREFORE, for the reasons set forth in HMA's Memorandum of Law filed herewith, HMA respectfully requests that Court enter an order (a) relieving HMA from the August 3, 2009 Order, (b) issuing a second class settlement notice and 90-day opt-out period, and (c) re-opening the time for class members to object to the settlement agreement to coincide with such opt-out period, or, in the alternative, that the Court grant HMA leave to intervene in this action.

Respectfully submitted,

HEALTH MANAGEMENT
ASSOCIATES, INC.

By its attorneys,

/s/ Nicholas J. Rosenberg
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DATED: August 21, 2009

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1 (D), HMA respectfully requests oral argument on this motion.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Nicholas J. Rosenberg, hereby certify that other objectors in this action have unsuccessfully attempted to narrow the same or similar issues raised by this motion and that, given the urgency for HMA to assert its rights herein and the number of parties and third parties involved, it would have been impractical and/or futile for HMA to attempt to narrow the same issues.

/s/ Nicholas J. Rosenberg
Nicholas J. Rosenberg

CERTIFICATE OF SERVICE

I hereby certify that this document and all attachments filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent via mail to those indicated as non-registered participants on August 21, 2009.

/s/ Nicholas J. Rosenberg

Nicholas J. Rosenberg